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FIREMAN'S FUND INSURANCE COMPANY,
a foreign corporation a/s/o BASIC RESOURCES, INC.
and GEORGE REED, INC., a foreign corporation

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

FIREMAN'S FUND INSURANCE
COMPANY, a foreign corporation
a/s/o BASIC RESOURCES, INC.
and GEORGE REED, INC., a foreign
corporation,

Plaintiff,

vs.

GERLING AMERICA INSURANCE
COMPANY, a foreign corporation,

Defendant.

CASE NO. C 07 06302 CRB

**ORDER GRANTING PLAINTIFF'S
CROSS-MOTION FOR PARTIAL
JUDGMENT ON THE PLEADINGS**

THIS CAUSE came before this Court pursuant to Defendant's Motion for Partial Judgment on the Pleadings and Plaintiff's Cross-Motion for Judgment on the Pleadings, and the Court having considered same, together with the parties' memorandum of points and authorities, it is hereby

ORDERED AND ADJUDGED:

1. Defendant's Motion for Judgment on the Pleadings is Denied.

2. Plaintiff's Cross-Motion for Partial Judgment on the Pleadings is Granted and Partial

Judgment on the Pleadings is entered in favor of Plaintiff and against Defendant, to the extent that this Court concludes that the underlying “non in personam” Final Judgments entered against Defendant’s named insured, a discharged debtor under § 11 U.S.C.S. 524, do not diminish or otherwise affect coverage under GERLING’s CGL Policy of insurance. By operation of law, Judgments against a bankrupt are deemed “personal” to allow recovery of insurance coverage benefits if any, against the discharged debtor’s insurer. In re: Honosky, 6 Bankr. 667, 670 [Bkrctcy] (S.D.W. Va. 1980); Wimmer v. Mann (In re Mann), 58 Bankr. 953 (Bankr W.D. Va. 1986); In re: Jet Florida Systems, Inc. v. Jet Florida Systems, Inc. 883 F.2d 970 (11th Cir. 1989); Pettibone Corp. v Hawxhurst, 163 Bankr. 989 (N.D. Ill. 1994).

IT IS SO ORDERED.

Dated: _____ day of _____, 2008.

THE HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT COURT JUDGE